

**Town of Kinderhook
Planning Board Workshop
November 14, 2013**

Approved

Minutes

The workshop meeting of the Town of Kinderhook Planning Board was held on Thursday, November 14, 2013 beginning at 7:00pm at the Kinderhook Town Hall, 3211 Church Street, Valatie, NY. The Meeting was called to order by the Chairwoman, Mary Keegan-Cavagnaro. The Roll was taken by the Secretary.

A. Roll Call

Present:

Mary Keegan-Cavagnaro, Chairwoman
Andrew Howard, Town Attorney
Peter Haemmerlein
Patrick Prendergast, Engineer
Chris Simonsen
William Butcher
Guy Rivenburgh
Dale Berlin
Jake Samascott
Nataly Dee, Secretary

Excused:

Cheryl Gilbert
Daniel Weiller

Absent:

None

B. Correspondence

1. Review of Minutes:

October 10, 2013 – Workshop
October 18, 2013 – Meeting

2. Letter from Engineer regarding Dollar General – Will be discussed when the application is addressed.

3. Referral of Dollar General from Zoning Board of Appeals - Will be discussed when the application is addressed.

C. Public Hearings

None

D. Old Business

1. Henry Kazer: Major Subdivision - County Route 28, Valatie

Mr. VanAlstyne reported that work continues.

2. Dollar General: Site Plan Review – US Route 9, Valatie

Mr. Jim Gillespie from Bohler Engineering representing Dollar General addressed the Board. Mr. Gillespie updated the Board on the revisions to the plans specifically noting the revised elevations. The hope is to get a positive recommendation from the Planning Board on the variances being sought before the Zoning Board. Mr. Gillespie distributed revised plans for the Board's review and discussion. Originally, Dollar General was requesting 7 variances; they have removed the signs from the application and will submit an application for them at a later date. Two variances remain on the application: 1) variance of required parking; the Code requires 72 spaces, applicant is seeking 35; 2) variance for a sliding glass door. A pitched roof has been added to the design.

The revised plans were reviewed. It was noted that the zoning permits retail on the site; set-backs and height of the building are code compliant as shown; the lot coverage is listed as 49.98, additional details will be added; lighting appears to be adequate, noting wall pack lighting. Mr. Prendergast noted that wall-pack lights, which cannot be shielded, are problematic. The letter regarding the application that was received from Mr. Prendergast, Town Engineer, was reviewed.

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Snow removal area should be shown. Engineer suggested drop inlets. The developers did not think bollards were needed around the propane tanks as they are in the rear of the building; as per Code they need to have bollards. The survey should note any trees over 8" in diameter. Pavement recommended will be addressed. Flat roof and banding have been eliminated. Inquiries were made regarding the pitch on the roof and the dimensions of the windows. It was noted that the building dimensions are 70' x 130'.

The Board discussed the issue of the requested parking variance. The history of the parking variance granted to CVS was discussed. It was noted that CVS "banked" parking as green space in the eventuality that the use would be needed. The current trend recommends cutting back on impervious area.

The matter of sliding glass doors was addressed. Inquiry was made whether there were plans to have a foyer and whether the store provides shopping carts. The height of light posts was questioned. The plans note 25' parking lot poles; Code calls for 20' max.

E. New Business

1. Mutsu, LLC – 5 Sunset Ave, Kinderhook: Site Plan Review for Building Permit of proposed farm worker housing on Albany Ave.

Mr. Samascott recused himself. Mr. VanAlstyne addressed the Board and distributed plans of the project. He explained that the parcel is 54 acres total with 36 acres in the town. Mr. Jeff Pinkowski and Mr. John Novine, also in attendance to represent the project, addressed the Board. They stated that the building would be composed of three apartments for full time employee farm workers. Each apartment has a ¾ bath on the first floor and three bedrooms and two bathrooms. Each unit has its own septic, which have been approved by the Department of Health (letter to be submitted). The front, rear and side elevations of the building were reviewed. These apartments are not intended for use as migrant housing. While a building permit has been issued, work has stopped, and the Building Department has referred the project to the Planning Board for Site Plan Approval through an expedited process to determine whether it meets the standards. It was noted that the foundation is in.

The role of the Planning Board was discussed. Mr. Howard commented on Ag and Markets section 305(A). He noted that farm housing is considered a farm structure. Traditionally, farm worker housing has been mobile homes. The Building Department contacted Mr. Howard for advice. He recommended that the Planning Board have an opportunity to determine whether the project meets the standards and that the Engineer also has the opportunity to review the proposal. The Board could proceed with an expedited review. The sections of the Code relating to farm worker housing were reviewed and discussed. The Code does not specify term limits for the use. However, Ag and Markets does specify parameters of use and discontinuance of said use. The \$50 Site Plan Review fee does apply.

2. Paul & Michelle Carey – 1312 Old Post Road, Valatie: Lot Line Adjustment/Minor Subdivision

Mr. Haemmerlein recused himself.

Mr. VanAlstyne addressed the Board, distributed plans, and introduced the proposal. The purpose is to adjust the lot size to bring parcel above 10 acres and then to subdivide lot into two five acre lots. He stated that a strip of land, approximately 1.25 acres, is being added to the parcel. Zoning is five acres. The applicants have been to the Department of Health; letter of approval of septic system to be submitted. A copy of the deed was submitted and reviewed by the attorney.

Mr. Howard noted section 250-46(C) of the Code which states that a lot of non-conforming size may be subdivided if each and every subdivision of such lot is purchased by the owner of the adjoining property to increase the size of said owner's property. It was requested that the width of the strip be added to the plans as well as the location of the house on the Haemmerlein plot. Curb cut permission will be sought from Town of Kinderhook Department of Transportation, and will be submitted when available. It was noted that the location of the proposed septic was awkward. The grade of proposed driveway will have to be examined; it may require a culvert. If

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the grade is over 5%, profiles will be required. The length will also require a pull-off. Test pits have been dug for the Health Department. It was noted that the soils are good with lots of gravel. The utilities will be buried along the driveway.

3. Joan & Joseph Urbatis – 404 Fischer Rd, Kinderhook: Minor Subdivision

Mr. VanAlstyne addressed the Board, distributed plans, and reviewed the proposal. The applicant would like to subdivide a 7.6 acre plot with an existing house from of a 113 acre parcel. The land is cultivated fields. Soil tests were conducted on the remaining lands. The road frontage was addressed; noting 185' of frontage along Fischer Rd. There is an existing driveway and curb cut. There should be a record of that with the Highway Department. The new 2013 Short form EAF was submitted.

F. ZBA Opinions

None

G. Liaisons

1. Village Planning Boards: Nothing to report.
2. Town Board: Nothing to report.
3. Comprehensive Plan Review Committee: Nothing to report.
4. NYSEG Project: Mr. Simonsen reported about the alternative proposals that have been suggested noting that they are being reviewed.

H. Other

The Board engaged in a short discussion about the process of adjusting the Code. A Codes Committee would have to convene to develop specific recommendations to present to the Town Board.

1. Public Comment

Mr. VanAlstyne provided the Board with a quick update on the progress of DOT approval regarding the Empire Group property noting that additional details were requested regarding the lighting plan at the entrance to the site.

A motion to adjourn the meeting was made by Mr. Berlin. Motion seconded by Mr. Haemmerlein. All in favor. Meeting adjourned at 8:54pm.

Respectfully Submitted,

Nataly Dee, Secretary